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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

UNITED STATES OF AMERICA for the use of  
NORTH STAR TERMINAL & STEVEDORE  
COMPANY, d/b/a Northern Stevedoring &  
Handling, and NORTH STAR TERMINAL &  
STEVEDORE COMPANY, d/b/a Northern  
Stevedoring & Handling, on its own behalf,

Plaintiffs,

and

UNITED STATES OF AMERICA for the use of  
SHORESIDE PETROLEUM, INC., d/b/a Marathon  
Fuel Services, and SHORESIDE PETROLEUM,  
INC., d/b/a Marathon Fuel Services, on its own  
behalf,

Intervening Plaintiffs,

and

METCO, INC.,

Intervening Plaintiff,

vs.

NUGGET CONSTRUCTION, INC.; SPENCER  
ROCK PRODUCTS, INC.; UNITED STATES  
FIDELITY AND GUARANTY COMPANY; and  
ROBERT A. LAPORE,

Defendants.

Case No. 3:98-cv-009-TMB

**NORTH STAR'S LIMITED  
OPPOSITION TO USF&G'S  
LATEST REQUEST FOR  
ORAL ARGUMENT;  
REQUEST FOR ORAL  
ARGUMENT UPON ALL  
PENDING UNDECIDED  
MOTIONS, IN THE COURT'S  
DISCRETION; NOTICE OF  
AVAILABILITY OF COUNSEL**

Defendant United States Fidelity & Guaranty Company (“USF&G”) has just filed a second Request for Oral Argument (Clerk’s Docket No. 600) on only a few of the motions presently pending before this Court. That Request is much like USF&G’s previous request for oral argument filed on May 16, 2006. *See* Clerk’s Docket No. 531. It was also on just a small part of the pending motions. *Id.*

As set forth in its Response filed May 17, 2006 (Clerk’s Docket No. 533) to that previous request for oral argument, Plaintiff and Use Plaintiff North Star Terminal & Stevedore Company (“North Star”) opposes oral argument on such a piecemeal basis. First of all, it is up to the Court to determine whether oral argument is necessary. Alaska USDC Local Rule 7.2(a)(3)[B]. Furthermore, should the Court order oral argument, North Star requests oral argument upon all of the pending, undecided motions (for summary judgment, determinations of law of the case, and/or to preclude expert witnesses) -- starting with Nugget Construction’s first filing for summary judgment on April 24, 2006 at Clerk’s Docket No. 476, or at least with Nugget’s first filing against North Star on April 28, 2006 at Clerk’s Docket No. 488.

It is also respectfully suggested that, if the Court orders oral argument, it do so only after all pending motions have been fully briefed (presumably before the Court’s status conference already ordered for June 16, 2006), and then reviewed and at least initially considered by the Court. In that way, any oral argument upon the motions can be efficiently and effectively directed toward those questions and issues of greatest interest and assistance to the Court.

In that regard, undersigned counsel also advises that he expects to be gone and unavailable for oral argument (including being unreachable by telephone) at remote sites in Alaska beginning about June 21, 2006 through July 11, 2006 and August 1, 2006 through

August 18, 2006. Presumably that will not be a problem, given the many pending motions and related filings suggesting oral argument would likely be held, if held, after mid-July.

Respectfully submitted at Anchorage, Alaska, on June 2, 2006.

s/ Michael W. Sewright  
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CERTIFICATE OF SERVICE

I certify that on the 2nd day of June, 2006,  
a copy of the foregoing NORTH STAR'S  
LIMITED OPPOSITION TO USF&G's  
LATEST REQUEST FOR ORAL ARGUMENT;  
REQUEST FOR ORAL ARGUMENT UPON  
ALL PENDING UNDECIDED MOTIONS,  
IN THE COURT'S DISCRETION; NOTICE  
OF AVAILABILITY OF COUNSEL  
was served electronically to:

Steven S. Shamburek, Esq.  
Traeger Machetanz, Esq.  
Paul D. Stockler  
Herbert A. Viergutz  
C. Patrick Stoll, Esq.

s/ Michael W. Sewright